

Local Court Rules
of Douglas County
District Court

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I. INTRODUCTORY

- 1. Promulgation. These rules shall be known as the Local Rules for the District Court of the State of Washington for Douglas County. These rules will be effective September 1, 2008 and supersede all prior rules of this court. The provisions of these local rules are supplemental to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction, and shall not be construed in conflict with them.

(Adopted effective September 1, 2008)

DISCLOSURE OF PUBLIC RECORDS

Access to confidential records is strictly limited to persons or entities authorized by statute or court order to obtain such records. Request for access to court records shall be made in writing on the form provided by the Court and shall be granted or denied only by a judge, or designee, who shall state the reasons for denial in writing. Any person objecting to a denial of access may file a Motion for Reconsideration with supporting affidavit. Costs of researching, copying and transcribing shall be paid in advance by the person or entity asking for such copies. No documents or electronic data may be removed from the court offices without the written order of the court.

LCRLJ 38 CIVIL JURY TRIAL

(A) Demand. The request for jury trial in civil cases shall be made by filing a demand with the clerk and paying the jury fee not later than seven days from the date of the trial setting notice issued from the court. Failure to comply with this rule is a waiver of the right to a jury trial.

(B) Imposition of costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. If notification is not given forty-eight hours prior to the time of the trial, and in any event after the jury has been summoned orally or in writing, the court in its discretion may order payment of the actual costs of the jury panel by the offending party.

(NOTE: THERE IS NO PROVISION FOR REFUND OF THE JURY FEES.)

(C) Pre-trial Procedure. All cases set for jury trial shall be set for pre-trial conference, which shall be held at least two weeks prior to trial. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed five days prior to said conference. Opposing counsel or party must be given five days notice of pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the court, be continued to the day of trial. All amendments, pleadings and motions should be made or be completed at this conference. Upon failure to appear, the judge may proceed with the conference ex parte, and enter any appropriate order including striking the jury demand and may impose terms. Insofar as practicable the conference shall deal with any matter cognizable by Superior Court Rule CR 4.5, and failure to raise that matter may result in the waiver of the same.

(Adopted effective September 1, 2008)

LCRLJ 54 ATTORNEY FEES

In civil default cases where attorney fees are authorized by statute or by written agreement, the following schedule shall be deemed reasonable in all default cases unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided,

however, the court shall have authority to vary from this schedule on its own motion:

\$1.00-	to \$ 999	\$300
\$1,000.00	to \$1,500	\$325
\$1,500.01	to \$2,000	\$350
\$2,000.01	to \$2,500	\$375
\$2,500.01	to \$3,000	\$400
\$3,000.01	to \$4,000	\$425
\$4,000.01	to \$5,000	\$450

For judgments exceeding \$5,000, reasonable attorney fees may be allowed of 10% of any balance over \$5,000 without formal justification or documentation.

NSF checks. When RCW 62A.3-515 has been followed, reasonable attorney fees will be awarded in an amount to be determined by reference to RCW 12.20.060 unless the attorney convinces the court that a larger fee should be awarded and provides an itemized affidavit as to actual time spent and hourly rate expended by the attorney in the case, in which case the court shall determine a reasonable fee.

Where only statutory attorney fees are authorized, the default judgment shall include, and the court will approve, only attorney fees in the statutory amount as applicable at the time of entry of judgment.

(Adopted effective September 1, 2008)

LCrRLJ 3.1(d)
RIGHT TO AN ASSIGNMENT OF COUNSEL

Indigent defendants shall have counsel appointed to represent them in all criminal cases unless the right to counsel is waived. Indigency shall mean an inability to pay an attorney a reasonable fee for the services, which appear to be required by reasons of the crime charged without substantial hardship to himself or his family. Defendants who request appointment of counsel shall be required to promptly execute a financial disclosure under oath on a form supplied by the court.

Upon appointment of counsel for indigent criminal defendants, the Clerk shall promptly provide counsel with notice of the appointment.

Attorneys representing defendants in criminal cases must serve prompt written notice of their employment upon the prosecuting attorney and file the same with the clerk of the court. To withdraw, the attorney must serve notice of such intention upon the prosecuting attorney and file the same with the clerk of the court. No withdrawal will be recognized by the court, except for cause deemed sufficient by the court. Approval of withdrawal may, if necessary to prevent a continuance, be denied, and such attorney be required to proceed with the trial.

Appointed counsel by reason of indigency shall be automatically relieved of their appointment upon: (1) entry of a sentence on a guilty plea (2) at the conclusion of the appeal time following sentencing as a result of a conviction in a contested trial, (3) upon entry of an order deferring prosecution (4) upon issuance of a warrant for failure to appear.

(Adopted effective September 1, 2008)

LCrRLJ 3.3
CONTINUANCES

After the first appearance all requests to continue a pre-trial hearing, motion or trial dates will require a written order of continuance signed by both parties and submitted to the judge for approval. No continuance will be accepted after noon on the day before the law and motion calendar. The court will not continue the trial or hearing date beyond the CrRLJ 3.3 dates without a speedy trial waiver.

After conviction, requests for continuance of review or revocation dates may be submitted by letter or motion to the court and may be submitted off the record to the judge for approval.

(Adopted effective September 1, 2008)

LCrRLJ 4.1(d)
CRIMES REQUIRING DEFENDANT'S
APPEARANCE AT ARRAIGNMENT

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignment; and the court shall determine the necessity of imposing conditions of pre-trial release.

(Adopted effective September 1, 2008)

LCrRLJ 4.2
DEFERRED PROSECUTION

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to readiness hearing unless good cause exists for delay. The petition and the accompanying declarations shall be in a form set forth in CrRLJ 4.2. A complete copy of the police report of the defendant's conduct giving rise to the charge shall be attached to the petition. The Order for Deferred Prosecution shall provide for supervision for 60-months, completion of a treatment plan, payment of costs, abstinence from consumption of alcohol and non-prescription drugs, no traffic offenses, a requirement

that all vehicles driven by the defendant be equipped with an ignition interlock device as required by statute and no driving without proper license and insurance.

(Adopted effective September 1, 2008)

LCrRLJ 4.8
WITNESSES-PROCESS-SUBPOENAS

When application is made for a subpoena for a witness residing outside of Douglas County and the Greater Wenatchee area, such application shall be accompanied by an affidavit showing to the satisfaction of the court the materiality of the testimony which is expected to be obtained from such witness. The court in its discretion may waive this requirement.

Preparation of subpoenas shall be the responsibility of the applicant and shall be submitted with the application requesting issuance of the subpoena. Service of the subpoenas shall be the responsibility of the applicant.

(Adopted effective September 1, 2008)

LCrRLJ 6.1
TRIAL BY JURY OR BY THE COURT

6.1 (a) (1) In every criminal or traffic case in which the defendant is entitled to a jury trial, the Clerk shall set a date for a pre-trial conference to be held within five weeks of the date a plea of not guilty is entered. The purpose of said conference is to determine if discovery is completed and if pretrial motions are necessary and to set a readiness hearing and trial date. Discovery shall be in the hands of the party requesting same at least two (2) working days prior to the pre-trial conference. See Local Rule LCrRLJ 8.02 concerning notice to opposing parties of the nature of pretrial motions and the necessity of witnesses at the hearing.

If the defendant fails to appear at any scheduled hearing without good cause, bail will be ordered forfeited and the court will order a Bench Warrant issued for the arrest of the defendant.

In the event it comes to the attention of the court that there is a likelihood that the defendant will not be available for his jury trial, as evidenced, for example by defendant's failure to remain in contact with his lawyer, the court will schedule an additional pre-trial conference to inquire as to the availability of the defendant. If the defendant does not appear, the jury trial date will be stricken, bail forfeited, and the court will order a bench warrant for the arrest of the defendant.

6.1(a) (2) Readiness conference. A readiness hearing shall be set in all cases set for jury trial. The prosecuting attorney, defense counsel and defendant are required to appear at the hearing. The court will inquire as to whether the case is expected to go to trial; the number of witnesses to be called by each side; the anticipated length of trial, and all motions, discovery and plea negotiations shall be concluded. Any case confirmed for

jury trial at the readiness hearing not proceeding to jury trial shall be subject to such sanctions as deemed appropriate by the judge including but not limited to jury costs, witness fees and terms.

(Adopted effective September 1, 2008)

LCrRLJ 8.2
MOTIONS AND APPLICATIONS-NOTICE-SERVICE

All amendments to the charges, pleas, or pre-trial motions shall be made at the time of the readiness hearing. Motions shall be supported by an affidavit or declaration under penalty of perjury of a person with testimonial knowledge, setting forth the facts to be elicited at an evidentiary hearing. Motions shall not be considered at the time of trial unless they could not have been raised at the time of the readiness hearing or the judge at the time of readiness hearing expressly continues such motions to the time of trial. Absent good cause, motions for dismissal or suppression of evidence in criminal cases shall be in writing and shall be provided to the Court and the opposing party at least 10 days before the readiness hearing. Response briefs are due two days before the hearing. Any witnesses necessary to establish issues on motions shall be subpoenaed by the moving party. If a proper motion is not received by the court 10 days prior to the scheduled hearing, the motion hearing shall be stricken.

(Adopted effective September 1, 2008)

LIRLJ 2.4
RESPONSE TO NOTICE

The procedure authorized in IRLJ 2.4(b) (4) is adopted by this court

LIRLJ 3.1
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

Speed Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30-days prior to the date set for the contested hearing. The request shall be contained in a separate document clearly designated as a request for an SMD expert. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. An SMD expert called as a witness by either party may testify by telephone; however, any party intending to elicit telephonic testimony from an SMD expert shall notify the court and opposing party at least five days prior to the date set for the contested hearing.

(Adopted effective September 1, 2008)

LIRLJ 3.2
FAILURE TO APPEAR

Setting Aside Judgment Upon Failure to Appear - Good Cause Petition

A defendant may file a written motion on forms provided by the court to set aside a default judgment for Failure to Appear at a requested hearing. The court will examine the written motion and make a decision without the defendant being required to appear. Only one motion shall be allowed on any case. A mitigation hearing may be granted upon setting aside the judgment. A contested hearing shall not be allowed unless by special written order.

LIRLJ 3.3
(b) (1) REPRESENTATION BY LAWYER

At a contested hearing where an attorney has appeared for the defendant or witnesses have been subpoenaed, a lawyer representative of the Prosecutor's office shall appear. A defendant charged with a traffic infraction and represented by counsel must provide written notice to the prosecuting authority and clerk of the court of such representation at least seven days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate calendar.

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

The procedure authorized by IRLJ 3.5 is adopted by this court.

LIRLJ 4.2
FAILURE TO PAY OR COMPLETE COMMUNITY
SERVICE FOR TRAFFIC INFRACTION

(d) Failure to make payment. Defendants who owe penalties on traffic infractions must report to the court clerk immediately after leaving the courtroom. Failure to do so will be considered a failure to pay or complete community service. The Court will assess the appropriate penalty for failure to pay or appear, and will rescind any reduction in the penalty imposed. Failure to comply with the time payment agreement on an infraction will cause

the court to rescind any penalty reduction previously granted by the court.

(Effective September 1, 2008)
